

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1763 of 2001

Between:

Dr.B.Subba Rami Reddy, S/o. Bal Reddy, Tutor in Physiology, Osmania Medical College,
Koti, Hyderabad.

..... PETITIONER

AND

1. The Government of A.P., rep. By its Principal Secretary, Revenue Department, Secretariat, Hyderabad 500 022
2. The Government of A.P., rep. By its Principal Secretary, Medical & Health Department, Secretariat, Hyderabad 500 022
3. The Director of Medical & Health, Sultanbazaar, Hyderabad –500 195
4. The District Collector, Cuddapah District, Cuddapah.
5. The Revenue Divisional Officer, R.D.O.Office, Cuddapah

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or directions particularly in the nature of Writ of Mandamus declaring the action of respondents to hold an enquiry by enquiries despite of clear findings of the Courts belong as well as the Enquiry Officer as illegal, arbitrary, contrary to Law, much less double jeopardy, discriminative and nothing but harassment and consequently declare that the petitioner belongs to Kondakapu, which falls under S.T. Category as declared by the Honourable Judicial First Class Magistrate, Cuddapah, by allowing the petitioner to live peaceful life without any further probe on the same issue, in the interest of justice.

Counsel for the Petitioner:MR.M.V.RAJA RAM

Counsel for the Respondent Nos.1 to 5: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

-

This writ petition is filed by the petitioner for declaring the action of respondents in holding an enquiry as illegal and contrary to the declaration made by the Judicial First Class Magistrate, Cuddapah.

It is the case of the petitioner that the C.B.C.I.D. submitted a report stating that the father of the petitioner belongs to Kondakapu Community, which comes under S.T. community and his mother belongs to Pokanati Kapu, which is a forward Community. As the petitioner has taken the caste of his father, he can be treated as Konda Kapu Community, which comes under the S.T.Community. To settle this matter, the C.B.C.I.D. filed a case against the petitioner in C.C. No.1 of 1974 on the

file of the Judicial First Class Magistrate, Cuddapah. On 15.03.1976 the learned Magistrate passed orders acquitting the petitioner. Despite the clear judgment of the Magistrate, the Secretary to the Government, Health, Medical & Family Welfare Department, Government of Andhra Pradesh, Hyderabad vide Lr.No.111/H2/86-2, dated 25.03.2000 has referred to decide the social status of the petitioner herein to the District Collector, Cuddapah for enquiry in terms of G.O.Ms.No.58 SW(J) Department, dated 12.05.1997 and the enquiry is still pending with the District Collector.

The learned counsel for the petitioner submits that the enquiry initiated by the Government under Act 16 of 1993 has no retrospective effect for the reason that the issue cannot be opened after a lapse of 25 years.

Under Section 5 of the A.P. S.C., ST., & B.C. (Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 (Act 16/93) (herein after called as 'Rules) the District Collector is empowered to enquire into the correctness of a caste certificate issued before or after the commencement of the said Act.

As the District Collector is empowered to conduct a enquiry under Section 5 of the Rules (Act 16 of 1997) with regard to the social status of the petitioner, the District Collector, Cuddapah is directed to complete the enquiry within a period of three months from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner and pass appropriate orders in accordance with Law.

The writ petition is accordingly disposed of. No costs.

23.08.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The PRINCIPAL Secretary, Revenue Department, the Government of A.P., Secretariat, Hyderabad.
2. The Principal Secretary, Medical & Health Department, the Government of A.P., Secretariat, Hyderabad- 500 022
3. The Director of Medical & Health, Sultanbazaar, Hyderabad- 500 195
4. The District Collector, Cuddapah, Cuddapah District..
5. 2 C.Cs to the Government Pleader for Social Welfare, High Court of A.P., Hyderabad (OUT)
6. The Revenue Divisional Officer, R.D.O. Office, Cuddapah.

7. 2.2CD copies